

**Calendar No. 989**

110TH CONGRESS  
2D SESSION

**S. 2875**

To authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

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IN THE SENATE OF THE UNITED STATES

APRIL 16, 2008

Mr. TESTER (for himself, Mr. BARRASSO, Mr. BAUCUS, Mr. CRAIG, and Mr. SMITH) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

SEPTEMBER 16, 2008

Reported by Mr. BINGAMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wolf Livestock Loss  
3 Prevention and Mitigation Act”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 (1) **INDIAN TRIBE.**—The term “Indian tribe”  
7 has the meaning given the term in section 4 of the  
8 Indian Self-Determination and Education Assistance  
9 Act (25 U.S.C. 450b).

10 (2) **LIVESTOCK.**—The term “livestock” means  
11 cattle, swine, horses, mules, sheep, goats, livestock  
12 guard animals, and other animals, as determined by  
13 the Secretary.

14 (3) **PREDATORY SPECIES.**—The term “preda-  
15 tory species” means gray wolves, grizzly bear, and  
16 other predatory species, as determined by the Sec-  
17 retary.

18 (4) **SECRETARY.**—The term “Secretary” means  
19 the Secretary of the Interior, acting through the Di-  
20 rector of the United States Fish and Wildlife Serv-  
21 ice.

22 **SEC. 3. GRANT PROGRAM.**

23 (a) **IN GENERAL.**—The Secretary may provide grants  
24 to States and Indian tribes described in subsection (b) to  
25 pay the Federal share of carrying out programs to com-  
26 pensate livestock producers for—

1           (1) activities undertaken to reduce the risk of  
 2           livestock loss due to predation by predatory species;  
 3           or

4           (2) livestock losses due to such predation.

5           (b) REQUIREMENTS.—

6           (1) IN GENERAL.—The Secretary shall des-  
 7           ignate as eligible to receive grants under this sec-  
 8           tion—

9                   (A) the States of Montana, Wyoming, and  
 10           Idaho; and

11                   (B) such other States and Indian tribes as  
 12           the Secretary determines from among States  
 13           and Indian tribes that have populations of pred-  
 14           atory species.

15           (2) ELIGIBILITY.—To be eligible to receive a  
 16           grant under subsection (a), a State or Indian tribe  
 17           shall—

18                   (A) designate an appropriate agency in the  
 19           State or Indian tribe to administer the 1 or  
 20           more programs funded by the grant;

21                   (B) establish 1 or more accounts to receive  
 22           grant funds;

23                   (C) maintain files of all claims received  
 24           under programs funded by grant, including sup-  
 25           porting documentation;

1                   ~~(D)~~ submit to the Secretary—

2                   (i) annual reports that include—

3                   ~~(I)~~ a summary of claims and ex-  
4                   penditures under the program during  
5                   the year; and

6                   ~~(II)~~ a description of any action  
7                   taken on the claims; and

8                   (ii) such other reports as the Sec-  
9                   retary may require to assist the Secretary  
10                  in determining the effectiveness of pro-  
11                  grams carried out under this section; and

12                  ~~(E)~~ promulgate rules for reimbursing live-  
13                  stock producers under the program in accord-  
14                  ance with subsection (e).

15                  ~~(3)~~ ALLOCATION OF FUNDING.—The Secretary  
16                  shall allocate funding made available to carry out  
17                  this section among States and Indian tribes based  
18                  on—

19                  (A) the level of livestock predation in the  
20                  State or on the land owned by, or held in trust  
21                  for the benefit of, the Indian tribe;

22                  (B) whether the State or Indian tribe is lo-  
23                  cated in a geographical area that is at high risk  
24                  for livestock predation; or

1                   (C) such other factors as the Secretary de-  
 2                   termines.

3           ~~(c) FUNDED PROGRAMS.—~~

4                   ~~(1) PREVENTATIVE PROGRAMS.—~~A program  
 5                   funded by a grant under subsection (a)(1) shall com-  
 6                   pensate livestock producers for activities that reduce  
 7                   the risk of livestock loss due to predation, includ-  
 8                   ing—

9                               ~~(A) fencing;~~

10                              ~~(B) fladry;~~

11                              ~~(C) night penning;~~

12                              ~~(D) increased human presence in the form~~  
 13                   ~~of livestock herders and riders;~~

14                              ~~(E) guard animals;~~

15                              ~~(F) provision of hay and dog food;~~

16                              ~~(G) voluntary rental of private land or al-~~  
 17                   ~~ternative pasture allotments on a temporary~~  
 18                   ~~basis;~~

19                              ~~(H) delayed turnouts; and~~

20                              ~~(I) other successful preventative measures;~~  
 21                   ~~as determined by the agency administering the~~  
 22                   ~~program.~~

23                   ~~(2) COMPENSATORY PROGRAMS.—~~A program  
 24                   funded by a grant under subsection (a)(2) shall com-

1       pensate livestock producers for losses due to preda-  
2       tion of the livestock of the livestock producers.

3           ~~(3) ELIGIBLE LAND.~~—Activities described in  
4       paragraph (1) and losses described in paragraph (2)  
5       may occur on Federal, State, or private land, or land  
6       owned by, or held in trust for the benefit of, an In-  
7       dian tribe.

8           ~~(4) FEDERAL COST SHARE.~~—The Federal share  
9       of the cost of carrying out a program described in  
10      paragraph (1) or (2) for any fiscal year shall not ex-  
11      ceed 50 percent of the total annual cost of the pro-  
12      gram.

13      ~~(d) AUTHORIZATION OF APPROPRIATIONS.~~—There  
14      are authorized to be appropriated such sums as are nec-  
15      essary to carry out this section.

16   **SECTION 1. SHORT TITLE.**

17       *This Act may be cited as the “Wolf Livestock Loss Pre-*  
18      *vention and Mitigation Act”.*

19   **SEC. 2. DEFINITIONS.**

20       *In this Act:*

21           (1) *INDIAN TRIBE.*—*The term “Indian tribe” has*  
22      *the meaning given the term in section 4 of the Indian*  
23      *Self-Determination and Education Assistance Act (25*  
24      *U.S.C. 450b).*

1           (2) *LIVESTOCK.*—*The term “livestock” means*  
 2           *cattle, swine, horses, mules, sheep, goats, livestock*  
 3           *guard animals, and other domestic animals, as deter-*  
 4           *mined by the Secretary.*

5           (3) *PROGRAM.*—*The term “program” means the*  
 6           *demonstration program established under section*  
 7           *3(a).*

8           (4) *SECRETARIES.*—*The term “Secretaries”*  
 9           *means the Secretary of the Interior and the Secretary*  
 10          *of Agriculture, acting jointly.*

11 **SEC. 3. WOLF COMPENSATION AND PREVENTION PROGRAM.**

12          (a) *IN GENERAL.*—*The Secretaries shall establish a 5-*  
 13          *year demonstration program to provide grants to States*  
 14          *and Indian tribes—*

15               (1) *to assist livestock producers in undertaking*  
 16               *proactive, non-lethal activities to reduce the risk of*  
 17               *livestock loss due to predation by wolves; and*

18               (2) *to compensate livestock producers for live-*  
 19               *stock losses due to such predation.*

20          (b) *CRITERIA AND REQUIREMENTS.*—*The Secretaries*  
 21          *shall—*

22               (1) *establish criteria and requirements to imple-*  
 23               *ment the program; and*

24               (2) *when promulgating regulations to implement*  
 25               *the program under paragraph (1), consult with States*

1       *that have implemented State programs that provide*  
 2       *assistance to—*

3               *(A) livestock producers to undertake*  
 4               *proactive activities to reduce the risk of livestock*  
 5               *loss due to predation by wolves; or*

6               *(B) provide compensation to livestock pro-*  
 7               *ducers for livestock losses due to such predation.*

8       *(c) ELIGIBILITY.—To be eligible to receive a grant*  
 9       *under subsection (a), a State or Indian tribe shall—*

10           *(1) designate an appropriate agency of the State*  
 11           *or Indian tribe to administer the 1 or more programs*  
 12           *funded by the grant;*

13           *(2) establish 1 or more accounts to receive grant*  
 14           *funds;*

15           *(3) maintain files of all claims received under*  
 16           *programs funded by the grant, including supporting*  
 17           *documentation;*

18           *(4) submit to the Secretary—*

19               *(A) annual reports that include—*

20                   *(i) a summary of claims and expendi-*  
 21                   *tures under the program during the year;*  
 22                   *and*

23                   *(ii) a description of any action taken*  
 24                   *on the claims; and*



1                   (B) such other reports as the Secretary may  
 2                   require to assist the Secretary in determining the  
 3                   effectiveness of activities provided assistance  
 4                   under this section; and

5                   (5) promulgate rules for reimbursing livestock  
 6                   producers under the program.

7                   (d) *ALLOCATION OF FUNDING.*—The Secretaries shall  
 8                   allocate funding made available to carry out this Act—

9                   (1) equally between the uses identified in para-  
 10                  graphs (1) and (2) of subsection (a); and

11                  (2) among States and Indian tribes based on—

12                   (A) the level of livestock predation in the  
 13                   State or on the land owned by, or held in trust  
 14                   for the benefit of, the Indian tribe;

15                   (B) whether the State or Indian tribe is lo-  
 16                   cated in a geographical area that is at high risk  
 17                   for livestock predation; or

18                   (C) any other factors that the Secretaries  
 19                   determine are appropriate.

20                  (e) *ELIGIBLE LAND.*—Activities and losses described in  
 21                  subsection (a) may occur on Federal, State, or private land,  
 22                  or land owned by, or held in trust for the benefit of, an  
 23                  Indian tribe.

24                  (f) *FEDERAL COST SHARE.*—The Federal share of the  
 25                  cost of any activity provided assistance made available

1 *under this Act shall not exceed 50 percent of the total cost*  
2 *of the activity.*

3 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

4 *There is authorized to be appropriated to carry out*  
5 *this Act \$1,000,000 for fiscal year 2009 and each fiscal year*  
6 *thereafter.*



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2<sup>D</sup> Session

**S. 2875**

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To authorize the Secretary of the Interior to provide grants to designated States and tribes to carry out programs to reduce the risk of livestock loss due to predation by gray wolves and other predator species or to compensate landowners for livestock loss due to predation.

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SEPTEMBER 16, 2008

Reported with an amendment